

(The *Times*, Friday, 1st April, 1892.)

LAW REPORT, MARCH 31.—JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

Present: The Lord Chancellor, Lord Watson, Lord Hobhouse, Lord Herschell, Lord Macnaghten, Lord Hannen, and Sir Richard Couch.

Buckley (Attorney-General of New Zealand) v. Edwards.

Their Lordships resumed the hearing of the arguments in this New Zealand appeal. The Court of Appeal in New Zealand had refused a motion made on behalf of the Attorney-General for New Zealand that the respondent, Mr. Worley Bassett Edwards, should show by what warrant and authority he claimed to exercise the office of Judge of the Supreme Court of New Zealand, or that his commission of office as Judge of that Court should be cancelled.

Sir Horace Davey, Q.C., Mr. Rigby, Q.C., and Mr. J. G. Butcher were counsel for the appellant; and Sir Walter Phillimore, Q.C., and Mr. Danckwerts for the respondent.

The question for decision was whether the respondent, Mr. Edwards, who claimed to have been duly appointed a Puisne Judge of the Supreme Court of New Zealand, by virtue of a commission dated March 2, 1890, had, in fact, been validly appointed. Mr. Edwards, who was a practising barrister in the colony, was appointed Chief Commissioner of the Native Land Court, with the salary and status of a Puisne Judge of the colony, under a commission signed by Lord Onslow, the then Governor. No salary was provided for him by the General Assembly of New Zealand; but he appeared to have been paid from another source, sanctioned by the Public Revenue Act. Mr. Edwards's appointment as Native Land Commissioner came to an end in March, 1891, and the Government of New Zealand then sought to invalidate and cancel his commission as a Puisne Judge on the ground that the Governor had no power at the time to appoint an additional Judge. The matter was argued before the Court of Appeal, when the learned Judges were divided in opinion. The Chief Justice and Mr. Justice Conolly thought that, as there was no vacancy in March, 1890, by death, removal, or resignation of any of the four existing Puisne Judges, and as the General Assembly had not provided any salary for a fifth Judge, there was no power to appoint Mr. Edwards. The majority of the Court—consisting of Justices Richmond, Williams, and Denniston, whose opinion prevailed—held that under "The Supreme Court Act, 1882," and the other legislation, the Crown had power to appoint an additional Puisne Judge, and that the respondent had consequently been validly appointed. From that judgment the present appeal was instituted.

At the conclusion of the arguments yesterday their Lordships intimated that they would take time to consider their judgment.

No. 17.

The Hon. the PREMIER to the AGENT-GENERAL.

SIR,—

Premier's Office, Wellington, 21st May, 1892.

I have the honour to acknowledge the receipt of your letter, No. 450, of the 31st March last, reporting that you have paid Messieurs Mackrell and Co. the sum of £500 on account of the case *Attorney-General v. Edwards*, and enclosing newspaper reports of the proceedings before the Judicial Committee of the Privy Council.

The Agent-General for New Zealand, London.

I have, &c.,

J. BALLANCE.

No. 18.

The AGENT-GENERAL to the Hon. the PREMIER.

Westminster Chambers, 13, Victoria Street,
London, S.W., 24th May, 1892.

SIR,—

Attorney-General v. W. B. Edwards.

I have the honour to transmit herewith the *Times* report of the judgment in this case, together with copy of the cablegram which I sent to you on the 21st instant, the day on which the judgment was delivered.

I also attach copy of a letter received from Messrs. Mackrell on the subject.

I have, &c.,

The Hon. the Premier, Wellington.

W. B. PERCEVAL.

Enclosure 1 in No. 18.

(Extract from the *Times*, Monday, 23rd May, 1892.)

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

Present: Lord Herschell, Lord Macnaghten, Lord Hannen, and Sir Richard Couch.

Buckley (Attorney-General of New Zealand) v. Edwards.

THIS was an appeal from a judgment of the Court of Appeal of New Zealand of May 27, 1891, refusing a motion made on behalf of the Attorney-General of New Zealand that the respondent, Mr. Worley Bassett Edwards, should show by what warrant and authority he claimed to exercise the office of Judge of the Supreme Court of New Zealand, or that his commission of office of Judge of the Supreme Court should be cancelled.

Sir Horace Davey, Q.C., Mr. Rigby, Q.C., and Mr. J. G. Butcher were counsel for the appellant; Sir Walter Phillimore, Q.C. and Mr. Danckwerts for the respondent.